

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Hays, Kansas))

MM Docket # _____

RM- _____

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MAY 26 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Gatoradio Media Group, Inc. ("Gatoradio"),¹ by its attorneys and pursuant to Section 1.401 of the Commission's rules, hereby petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b), to allocate Channel 289C2 to Hays, Kansas, as that community's third local FM service as follows:

<u>City</u>	<u>Present</u>	<u>Channel Numbers</u>	<u>Proposed</u>
Hays, Kansas	258C1, 277C		258C1, 277C, 289C2

In support of this proposal, Gatoradio submits the following information for consideration:

Hays is an incorporated city located in Ellis County, in central Kansas, approximately 180 miles northwest of Wichita, Kansas. The city population of Hays is 17,767 and the

¹ Gatoradio is a corporation in the process of being formed.

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population of Ellis County is 26,004.² Hays is the county seat of Ellis County. Adoption of this proposal will provide Hays with its third local FM broadcast service.

Attached hereto and incorporated as part of this petition is an Engineering Study in support of the requested allotment. The study demonstrates that channel 289C2 can be allocated to Hays, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's rules, with a site restriction 14.5 kilometers northwest of the city of Hays. The study further demonstrates that there are many possible site locations that will provide the requisite city coverage to Hays.

If this proposal is adopted, Gatoradio will promptly apply for authority to construction and operate a new FM broadcast station on Channel 289C2 at Hays, Kansas. If a construction permit is granted, Gatoradio will promptly construct and operate the proposed station.

Based upon the foregoing, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

CHARLES ALAN FARR d/b/a
GATORADIO MEDIA GROUP, INC.

By: Naomi S. Travers

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May 26, 1999

Its Attorneys

² Population figures are from the 1990 U.S. Census.

Gatoradio Media Group, Inc.

ENGINEERING STUDY
IN SUPORT OF
A PETITION TO CHANGE
THE TABLE OF FM
ALLOCATIONS

Part 73.202
ADDING
CHANNEL #289C2
HAYS, KANSAS

LARRY P. WAGGONER

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Engineering Statement
Gatoradio Media Group, Inc.
Channel #289C2, Hays, Kansas

I, Larry P. Waggoner, have been retained by the Gatoradio Media Group to prepare this Engineering Study in support of their petition to amend the Part 73.202 Table of FM Allotments. The petition is to add Channel #289C2 (105.7 MHz) to the listing for Hays, Kansas.

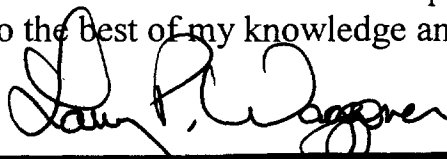
There are presently two channel allotments for Hays. The petition is to add the third channel. The amended entry for the city would read:

Hays, Kansas 254C1, 277C, 289C2

Exhibit #1 is the results of a Class C2 separation study conducted on the coordinates of an allocation site 14.5 kilometers northwest of the city of Hays. The study disclosed three close spaced existing stations. The proposed allocation site is 158.18 kilometers distant from the construction permit for KSSA, Ch.#290C1, Ingalls, Kansas (BMPH-980601IB). This is less than a half of a kilometer from the required 158 kilometers (1st adjacent channel Class C2 to C1). The second close station is KVSF-FM, Ch.#288C2, Beloit, Kansas (BLH-910614KE). The required 130 kilometer separation line for KVSF is also located with less than a half of a kilometer clearance to the allocation site (1st adjacent Class C2 to C2). KQKY, Ch.#290C, Kearney, NE. (BLH-790921AB) is 194.6 kilometers from the proposed Hays site. The required separation is 188 kilometers (1st adjacent Class C2 to Class C).

Exhibit #2 is an Allocation Site Area Map. The map shows clearly that there are many possible sites for the proposed allocation with a site restriction 14.5 kilometers northwest of the city of Hays. City grade coverage from a Class C2 station would extend to a distance exceeding 32.0 kilometers. Excellent coverage, in excess of the required 3.16 mv/m, could be provided to the entire city with no terrain blockage.

Channel #289C2 can be allocated to Hays, Kansas and be in full compliance with the minimum distance separations listed in Part 73.207 of the Commission's Rules. All statements made and the data presented in this report is true and accurate to the best of my knowledge and ability.



LARRY P. WAGGONER

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EXHIBIT #1

05-11-1999

Larry Waggoner

PAGE 1

FM Study for: GATORADIO

FCC Database Date: 4/99

38-57-52

Location: HAYS, KS

Channel Class: C2

99-27-13

Call City, State

Chan Class Freq kW Latitude Dist. Required

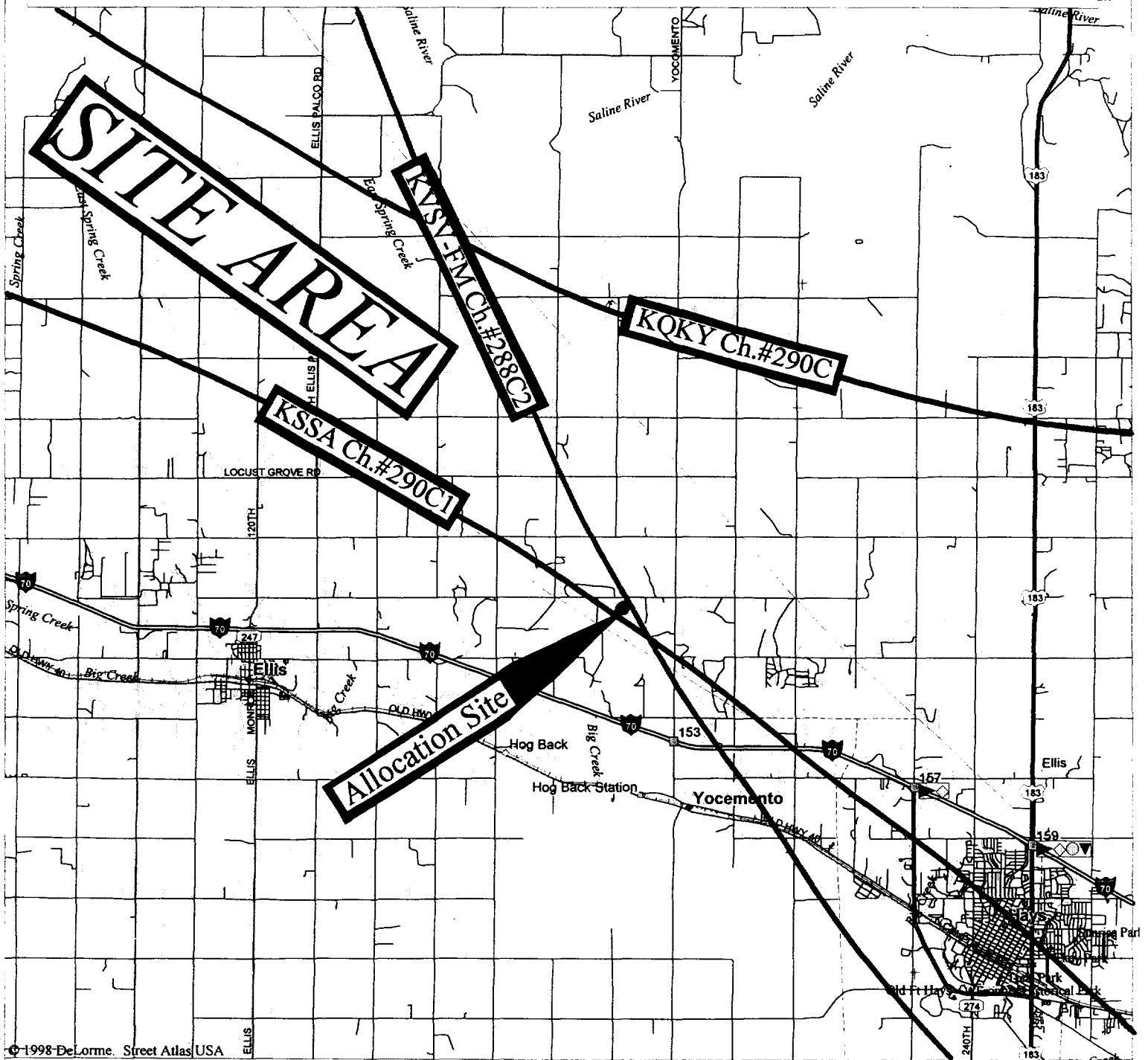
Status Proponent

File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 289 105.7 mHz <<<<<<<

KVSVFM	BELOIT, KS	288	C2	105.5	50.0	39-28-09	130.14	130	
LIC	SOLOMON VALLEY BROADC	BLH-910614KE	135	98-05-37	64.1	+0.14	CLOSE		
KSSA	INGALLS, KS	290	C1	105.9	100.	37-46-48	158.18	158	
CP	MAS COMMUNICATIONS, I	BMPH-980601IB	203	100-27-36	214.1	+0.18	CLOSE		
From Channel 290A per one-step application.									
KQKY	KEARNEY, NE	290	C	105.9	98.	40-39-28	194.6	188	
LIC	CENTRAL NEBRASKA BROA	BLH-790921AB	308	98-52-04	14.8	+6.6	CLOSE		
KDMMFM	HERINGTON, KS	289	C3	105.7	12.5	38-37-01	217.9	177	73.215
LIC	MARIE WILLIS AND DONA	BLH-970918KB	141	96-59-09	99.4	+40.9	CLEAR		
KTTL	ALVA, OK	289	C2	105.7	50.	36-47-06	254.6	190	
CP	W. H. A. M. FOR BETTE	BMPH-870831IE	150	98-33-01	161.5	+64.6	CLEAR		

Hays, Kansas Channel #289C2 Site Map



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Scale 1:150,000 (at center)

2 Miles

5 KM

- | | |
|-----------------------------|-----------------------|
| — Local Road | ■ Exit |
| ▼ Exit/Gas | --- Utility/Pipe |
| ◇ Exit/Lodging | — Railroad |
| ○ Exit/Food | □ Point of Interest |
| ▬ US Highway | ◆ Small Town |
| ▬ Interstate/Limited Access | ▲ Park/Reservation |
| ▬ Major Connector | ▶ Exit/Other Services |
| ▬ State Route | Locale |

EXHIBIT #2

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5/99